

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 09, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEVIN O.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 4:20-cv-5155-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
§ 405(g)**

Before the Court is the parties' Stipulated Motion for Remand. ECF No. 26. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings as set forth below.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated motion for Remand, **ECF No. 26**, is

GRANTED.

2. Judgment shall be entered for **Plaintiff**.

¹ For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- Offer Plaintiff the opportunity for a new hearing, further develop the record, and issue a new decision;
- Reevaluate step three of the sequential evaluation to determine if Plaintiff's impairments met or equaled a physical or mental listing; and
- Continue the sequential evaluation, including obtaining vocational expert evidence, as necessary.

4. All pending motions are **DENIED AS MOOT**.

5. All hearings and other deadlines are **STRICKEN**.

6. If filed, the Court will consider Plaintiff's motion for fees and expenses under the Equal Access to Justice Act.

7. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 9th day of February 2022.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge